

"Express Mail" mailing label number EV284452453US

Date of Deposit: July 8, 2003

REQUEST FOR FILING A CONTINUING PATENT APPLICATION UNDER 37 CFR § 1.53(b)(1)

| Case No. | ANTICIPATED CLASSIFICATION OF THIS APPLICATION | | PRIOR APPLICATION EXAMINER | ART UNIT |
|----------|--|---------------------|----------------------------|----------|
| 8491-50 | CLASS 108 | SUBCLASS 055.100 | J. Wilkens | 3637 |

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b)(1), of prior application number 10/140,970, filed on May 7, 2002, entitled PORTABLE RACK FOR BUILDING MATERIALS AND METHOD OF USING SAME.

- ☒ Copy Of the Prior application (30 pages, which includes 20 sheets of drawings and 10 pages of Application (including title page).
- ☒ Copy of the Declaration filed in the Prior application.
- ☐ PTO Form 1449 and Information Disclosure Statement.

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|---|------------------|------------------|-------------------------------|------------------|
| | TOTAL CLAIMS (37 CFR 1.16(c)) | 12 - 20 = | 0 | x \$ 18 = | \$0 |
| | INDEPENDENT CLAIMS (37 CFR 1.16(b)) | 1 - 3 = | 0 | x \$ 78 = | \$0 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) | | | + \$260 = | \$ 0 |
| | | | | BASIC FEE (37 CFR 1.16(a)) | \$ 740 |
| | | | | Total of above Calculations = | \$ 740 |
| | Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28) | | | | \$375 |
| | | | | TOTAL = | \$375 |


- ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27
☐ is enclosed.
☒ was filed in prior application number 09/399,628 and such status is still proper and desired (37 CFR 1.28(a)).
- ☒ The Assistant Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 04-0258. A duplicate copy of this sheet is enclosed.
- ☒ Enclosed are checks for \$375 to cover the filing fees.
- ☒ Cancel in this application original claims 1-33 of the prior application and otherwise enter the attached preliminary amendment before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☒ The inventor(s) of the invention being claimed in this application is(are): Donald F. Swanson.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.63(d)(2), the Assistant Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: _____

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10/615749
07/08/03

10. ☐ Amend the specification by inserting before the first line the sentence: "This application is a ☐ continuation ☐ division of application number _____, filed _____.
11. ☐ New formal drawings are enclosed.
12. ☐ Priority of foreign application number _____, filed on _____ in _____ is claimed under 35 U.S.C. 119.
☐ The certified copy has been filed in prior application number _____, filed _____.
13. ☒ A preliminary amendment is enclosed.
14. ☐ The prior application is assigned of record to _____.
15. ☒ Also enclosed: postcard evidencing receipt
16. ☒ The power of attorney in the prior application is to Vita G. Conforti and other attorneys at the firm of DAVIS WRIGHT TREMAINE.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to: (may only be completed by applicant, or attorney or agent of record.)

Eun-Young Choi
Davis Wright Tremaine
1501 Fourth Avenue
Seattle, Washington 98101

July 8, 2003
Date


Signature
Name: Eun-Young Choi
Reg. No. P-54,032

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record
☐ Filed under 37 CFR 1.34(a)
Registration Number if acting under 37 CFR 1.34(a): _____.

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07/08/03

EXPRESS MAIL NO. EV284452453US

PTO/SB/17 (05-03)
Approved for use through 04/03/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 375.00

Complete if Known

Application Number
Filing Date July 8, 2003
First Named Inventor Donald F. Swanson
Examiner Name
Art Unit
Attorney Docket No. 8491-50

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None
☒ Deposit Account:
Deposit Account Number 04-0258
Deposit Account Name Davis Wright Tremaine LLP
The Commissioner is authorized to: (check all that apply)
☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any deficiencies to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | 375.00 |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$)375.00 |

2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|--|----------|
| 12 | 1 | | - 20** = | | |
| | | | - 3** = | | |
| Large Entity | | Small Entity | | Fee Description | Fee Paid |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid | |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$) |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small | | Fee Description | Fee Paid |
|--------------|----------|----------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type) Eun-Young Choi

Registration No. P54,032
Attorney/Agent)

Signature

Date July 8, 2003

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22504

PATENT TRADEMARK OFFICE

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Arlington, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.